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House Committee on Elections
Request for Information

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Submitted by:
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Chairman
Harris County Republican Party Ballot Security Committee

1. **Monitor Compliance/Implementation with Relevant Legislation**

   HB 933: The Harris County Clerk complied with posting of the daily voter roster beginning with the November 2019 general election. However, after 2 weeks of posting the daily vote roster, the county clerk amended their process. We were finding anomalies with the information during the first 2 weeks. We brought these problems to the attention of the County Commissioners Court, and they gave us "permission" to work with the County Clerk to correct the problems.

   Among the problems we pointed out were voters submitting multiple mail ballots and voters voting once by mail and once in person. We dug into both issues thoroughly.

   The problem with multiple mail ballots was due to sloppy processing by the county clerk. When a mail ballot with a notation of SOR arrived, it was scanned into the system and counted as a mail ballot received by that voter. When the Ballot Board confirmed the presence of the SOR, the package was scanned again into the system, artificially creating the record of multiple ballots from one voter.

   The multiple votes via mail ballot and in-person voting during early voting were real. Because the county clerk had failed to load the mail ballot data into the electronic poll books used in the vote centers, voters during the first 2.5 days of early voting were not "tagged" as already having voted by mail. So, they were permitted to vote again in person.

   We fixed this problem by having the county clerk cancel the mail ballot from the same voter because that ballot had not yet been fully processed and counted.

   After we reported these issues to the commissioners court, the county clerk altered the way they posted the voter roster. Instead of correctly posting the daily data, they began "scrubbing" the data and only posting a cumulative report, revised daily.

We recommend the relevant legislation be modified to require daily posting of the previous day's raw voter roster data. Allowing the election authority to "scrub" the raw data invites manipulation of the report. That shouldn't be tolerated.

Separately, we have growing concerns about whether the election data being reported by the county clerk locally matches the data posted by the county clerk to the SOS website. Through public information requests, we are examining that issue now.

HB 1421: We have no knowledge of whether or not the Harris County Clerk is complying with the requirements of this piece of legislation.

HB 2504: We're not sure why it took the Texas Supreme Court to allow the candidates from the Green Party onto the November 2020 ballot. It was apparently a problem with the state process, and the ruling wasn't issued until this week. But we do know that the Harris County Clerk did NOT notify the Green Party of the Logic & Accuracy Test which began on 9/17, and we know that the Green Party was not invited by the Harris County Clerk to proof the revised ballot after it was re-set to include that party's candidates.

HB 4130: In Harris County, the electronic poll books used in countywide polling DO NOT comply with the portions of HB 4130 incorporated in TEC 31.014(a)(1). At the end of the voting day, election judges CANNOT call up the names of every voter who voted at that vote center that day. We have submitted formal, signed declarations from dozens of election judges attesting to the fact that they cannot see the required data.

This is creating constant reconciliation problems across the system with vote centers regularly reporting more votes cast than voters processed.

The SOS insists that the Harris County electronic poll books passed certification, including display of the voters' names as required. Mr. Ingram has concluded that the only way for that function to not be working is that somebody disabled it. We submitted complaints to the SOS for forwarding to the Attorney General. However, since the legislature attached no criminal penalties to that section of code, no referral has been made.

We are now considering litigation, as part of a larger issue, to correct that problem.

The rules mandating real-time updates of data among all the electronic poll books during an election are useless, unless the SOS actually checks on this critical performance criterion. When we last used open records requests to examine the logs of the electronic poll books, the average time required for system-wide transmission was 20 minutes.

This section of the code needs to be revised to require the SOS to request representative samples of the logs from the larger counties after every election. This is the only way to know if the electronic poll books in the larger counties are actually updating in real time.

The provisions of TEC 43.007(m)(1) are inadequate to ensure "fair" distribution of vote centers in countywide polling systems. That section of code only states that no county commissioner's precinct shall not have more than 2X the number of vote centers as another precinct. That tolerance is being abused in Harris County, resulting in areas with more registered voters having more difficulty accessing vote centers than voters in precincts with far fewer registered voters. The distribution of vote centers in countywide voting models should be revised.

Further, the Harris County Clerk is stretching TEC to create new classes of vote centers; i.e., Drive Through Voting and 24-hour Vote Centers. The distribution of these new classes of vote centers favors one commissioner's precinct by a ratio of 3:1 versus other precincts. So, while the total allocation of vote centers is within the 2X limit, these new classes of vote centers are out of compliance with TEC 43.007(m)(1).